

BERNSTEIN LIEBHARD LLP

ATTORNEYS AT LAW

10 EAST 40TH STREET

NEW YORK, NEW YORK 10016

(212) 779-1414

FAX: (212) 779-3218

www.bernlieb.com

JEFFREY S. GRAND
grand@bernlieb.com

March 29, 2012

Filed via CM/ECF

Honorable Joseph R. Goodwin, Chief Judge
United States District Court
Southern District of West Virginia
7009 Robert C. Byrd United States Courthouse
300 Virginia Street East
Charleston, West Virginia 25301

RE: Application for Plaintiffs' Steering Committee in *In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation*, MDL Docket No. 2:12-MD-2327; *In re American Medical Systems, Inc. Pelvic Repair System Products Liability Litigation*, MDL Docket No. 2:12-MD-2325; and *In re Boston Scientific Corp. Pelvic Repair System Products Liability Litigation*, MDL Docket No. 2:12-MD-2326

Dear Judge Goodwin:

I, Jeffrey S. Grand, a partner at Bernstein Liebhard LLP, respectfully submit my qualifications in application for appointment to the Plaintiffs' Steering Committee in the above-referenced multi-district litigations.¹ Additionally, I have reviewed the Proposed Counsel Structure Plan filed with the Court for MDLs 2325, 2326 and 2327 on March 19, 2012, and join in the recommendation to the Court that the plan be accepted.

As detailed more fully below, I currently serve as Plaintiffs' Co-Liaison Counsel for more than 700 plaintiffs in *In re Pelvic Mesh/Gynecare Litigation*, Case No. 291 CT, Superior Court of New Jersey Law Division, Atlantic County and *In re Pelvic Mesh/Bard*, Case No. 292 CT, Superior Court of New Jersey Law Division, Atlantic County, which have been centralized for management before the Honorable Carol E. Higbee, P.J.Cv. Also, I serve or have served in leadership roles and taken on significant responsibilities in several mass tort litigations, including most recently: *In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation*, MDL No. 2244 (N.D. Tex.); *In re: Oil Spill by the Oil Rig, "Deepwater Horizon,"*

¹ This application has been separately submitted via CM/ECF in each of the referenced MDLs.

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MDL No. 2179 (E.D.La.); *In re: Chinese-Manufactured Drywall Products Liability Litigation*, MDL No. 2047 (E.D.La.); and *In re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100 (S.D. Ill.).² I believe that my experience in this area, along with that of my partner, Felecia L. Stern and the other attorneys and paralegals at Bernstein Liebhard, will be a considerable asset to this litigation. Further, I have worked extensively with many of the outstanding attorneys who have submitted leadership applications to Your Honor and am confident we can assist the Court in moving the litigation forward quickly and efficiently.

Interest in this Litigation: Presently, I am co-counsel in three pelvic mesh cases before Your Honor: *Joann Lehman v. Ethicon, Inc., et al.*, MDL Case No. 2:12-CV-00517; *Marta and Pablo Inglesias v. Boston Scientific Corporation*, MDL Case No. 2:12-CV-00278; and *Patsy Lawson v. American Medical Systems, Inc., et al.*, MDL Case No. 2:12-CV-00695. I am primary counsel in *Flora McCoy v. Ethicon, Inc., et al.*, 2:33-AV-00001 (temp. docket no.) (D.N.J.) (transfer to MDL pending). Additionally, Bernstein Liebhard is currently investigating and reviewing medical records for approximately another 100 claimants and anticipates many more filings in the future.

Further, as noted above, I am Plaintiffs' Co-Liaison Counsel in the New Jersey Pelvic Mesh actions and have had extensive involvement in the day-to-day coordination of plaintiffs' counsel, as well as discovery negotiations, document production and review, depositions, and motion practice to date. I am very familiar with the issues central to the litigation and have a good working relationship with plaintiffs' and defendants' counsel alike. Presently, Bernstein Liebhard has approximately 25 cases on file or pending in the New Jersey Pelvic Mesh actions. Consequently, I believe I can be a significant asset to the Plaintiffs' Steering Committee for the federal MDLs.

Professional Experience: I have been involved in large-scale, complex civil litigation for over 10 years, having first served as defense counsel in products liability cases for corporate clients while at Jones Day LLP. Since joining the plaintiffs' bar, I have had significant responsibilities in several mass tort cases, including but not limited to:

- Plaintiffs' Co-Liaison Counsel, *In re Pelvic Mesh/Gynecare Litigation*, Case No. 291 CT, Superior Court of New Jersey Law Division, Atlantic County and *In re Pelvic Mesh/Bard*, Case No. 292 CT, Superior Court of New Jersey Law Division, Atlantic County;
- Member of Plaintiffs' Steering Committee and Discovery Committee, *In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation*, MDL No. 2244 (N.D. Tex.);
- Co-chair of Electronic Discovery and Depository Committees for *In re: Oil Spill by the Oil Rig, "Deepwater Horizon,"* MDL No. 2179 (E.D.La.);

² With respect to the Chinese-Manufactured Drywall, Deepwater Horizon Oil Spill, and Yaz MDLs, I served in these leadership capacities while a partner at Seeger Weiss, LLP. On May 1, 2011, I joined the mass tort department at Bernstein Liebhard LLP, where I continue to focus on products liability cases, in particular, pharmaceutical and medical device litigation.

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- Co-chair of Discovery Committee for *In re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100 (S.D. Ill.);
- Co-chair of Electronic Discovery Committee and Trial Team member for *In re: Chinese-Manufactured Drywall Products Liability Litigation*, MDL No. 2047 (E.D.La.); and
- Member of the Discovery and Trial Package Committees for *In re: Vioxx Products Liability Litigation*, MDL No. 1657 (E.D.La.).

Additionally, while at Seeger Weiss, I acted as Plaintiffs' Liaison Counsel in the mass tort action, *In re: Fosamax Litigation*, Case No. 282, centralized in the Superior Court of New Jersey, Atlantic County. I have also served on several trial teams involving defective products, most notably in the *Vioxx* litigation, *Humeston/Hermans v. Merck & Co., Inc.* (co-leads, W. Mark Lanier and Christopher A. Seeger), which resulted in a plaintiffs' verdict for \$47.5 million.

Sufficient Resources and Firm Strength: In addition to my partner, Felecia L. Stern, who is also devoting significant time to this litigation, I am supported by a well-established, highly respected law firm with more than 25 experienced attorneys and sufficient resources to litigate these cases to conclusion. Bernstein Liebhard has been named by THE NATIONAL LAW JOURNAL to the "Plaintiffs' Hot List," recognizing the top plaintiffs' firms in the country, for the past nine consecutive years. Only two firms in the country have been selected for the Hot List nine years in a row. Bernstein Liebhard has served as lead counsel in scores of complex class actions that have been defended by some of the most well-respected defense firms in the country. Since its inception in 1993, the firm has recovered almost \$3 billion on behalf of its clients and the classes it has represented.

Ability to Work Cooperatively with Others: I and the other attorneys at Bernstein Liebhard have repeatedly shown our ability to work cooperatively and cohesively with multiple co-counsel, as well as defense counsel. As noted above, the firm and its attorneys have served in leadership roles and as committee members in countless civil actions. Further, I have worked extensively with many of the other firms who are submitting leadership applications in this litigation.

Willingness and Availability to Commit to a Time-Consuming Case: I, along with my partner, Felecia L. Stern, am willing and able to commit significant resources to developing and litigating this action. Additionally, Bernstein Liebhard will assign senior associates and paralegals to further support the litigation as needed.

Respectfully submitted,

s/Jeffrey S. Grand